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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,482	10/18/2001	Csaba Truckai	CTX-005	7013

7590 12/26/2002  
Csaba Truckai  
19566 Arden Court  
Saratoga, CA 95070

EXAMINER

SHAY, DAVID M

ART UNIT	PAPER NUMBER
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3739

DATE MAILED: 12/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on October 18, 2004
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-746 is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 17, 19-27, 29-32 + 34-45 is/are rejected.
- ☒ Claim(s) 18, 28, 33, + 46 are is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Art Unit: 3739

1. The drawings are objected to because the lead lines from indicia intended to indicate an entire section device shown touch the device (e.g. indicia 320A in figure 14) rather than ending in an arrowhead; certain indicia – e.g. Figure 14, element 244 are not discussed in the disclosure; and figure 22 has no element 668 as discussed at page 25 of the instant disclosure. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-15, 18, 22, 26, 27, 31, 43 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 it is unclear how the member “defines” an engagement plane. In claim 3 “said engagement surface” lacks positive antecedent basis. In claim 6, it is unclear how the portion “defines” a switching range. Claim 18 does not further limit claim 16. In claim 22 it is unclear how the “layered portion inward of the engagement plane” (claim 21) can be “exposed in said engagement plane” (claim 22). Due to this inconsistency art cannot be meaningfully applied to claim 22, thus claim 22 and any claims directly or indirectly dependant thereon will not be treated

Art Unit: 3739

further. In claim 43 exactly what constitutes "a selected substantial resistive" is unclear the term "resistive" will be read as – resistance – for the purposes of examination.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention thereof before the invention by applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by applicant for patent.

5. Claims 1-7, 9-27 29-32 and 34-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Panescu et al.

The impedance of the saline in the electrode of Panescu et al will have a transition near 100 degrees C and near 0 degrees C.

6. Claims 8, 28, 33 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Shay whose telephone number is (703) 308-2215. The examiner can normally be reached on Tuesday-Friday.

Application/Control Number: 09/982,482

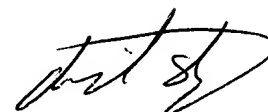
Page 4

Art Unit: 3739

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

David Shay:bhw

December 20, 2002



DAVID M. SHAY  
PRIMARY EXAMINER  
GROUP 330